

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JORGE ANGELO MONTORO
ROSAS,

Petitioner,

v.

ANA CRISTINA VELASQUEZ
SAAVEDRA,

Respondent.

CASE NO. C23-1549JLR

ORDER

Before the court is Petitioner Jorge Angelo Montoro Rosas's Motion for Order to the United States Marshal to Serve Respondent and Other Relief (Mot. (Dkt. # 7)). Respondent Ana Cristina Velasquez Saavedra filed no response. (*See generally* Dkt.) The court has considered the motion, the relevant portions of the record, and the governing law. Being fully advised, the court GRANTS in part and DENIES in part Petitioner's motion.

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1 This action arises under the Hague Convention on the Civil Aspects of
2 International Child Abduction, Oct. 25, 1980, T.I.A.S. No. 11,670, 1343 U.N.T.S. 49 (the
3 “Convention”). The United States implemented the Convention through the enactment of
4 the International Child Abduction Remedies Act. *See* 22 U.S.C. §§ 9001-9011. Mr.
5 Rosas initiated this action on October 9, 2023, by filing a Petition for Return of Child to
6 the State of Habitual Residence. (Pet. (Dkt. # 1).) Mr. Rosas alleges that Ms. Saavedra
7 unlawfully removed the parties’ minor child, A.V., from Peru to the United States. (*Id.* at
8 3.) Mr. Rosas believes Ms. Saavedra is residing with the child in Everett, Washington,
9 and seeks to return the child to Peru. (*Id.*)

10 Mr. Rosas filed the instant motion contemporaneously with the petition. The
11 motion seeks an order: (1) directing the United States Marshal to serve Ms. Saavedra
12 with process; (2) directing the Marshal to seize any and all passports belonging to Ms.
13 Saavedra and A.V.; (3) forbidding the removal of the child from the Western District of
14 Washington without prior approval from the court; (4) setting a briefing schedule for Ms.
15 Saavedra to file any responsive documents to the petition; and (5) ordering Ms. Saavedra
16 to appear before the court with A.V. for a hearing on the petition. (Mot. at 4.)

17 This court may “take or cause to be taken measures under Federal or State law, as
18 appropriate, to protect the well-being of the child involved or to prevent the child’s
19 further removal or concealment before the final disposition of the petition.” 22 U.S.C.
20 § 9004(a). In addition, pursuant to Federal Rule of Civil Procedure 4(c)(3), this court
21 may order that service be made by a United States marshal or deputy marshal. Fed. R.

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1 Civ. P. 4(c)(3). Accordingly, the court GRANTS in part and DENIES in part Mr.
2 Rosas's motion (Dkt. # 7) and ORDERS as follows:

3 1. The United States Marshal for the Western District of Washington shall
4 (i) serve Ms. Saavedra with a copy of this Order, as well as the Petition for Return of the
5 Child to the State of Habitual Residence and all attachments within three (3) business
6 days of the date of this Order, and (ii) seize all passports and travel documents for Ms.
7 Saavedra and the child, A.V.;

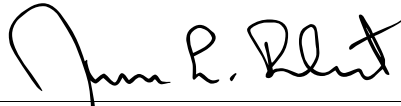
8 2. Ms. Saavedra shall not remove A.V. from the Western District of
9 Washington without prior written approval from this court;

10 3. Any opposition to the petition shall be filed no later than Monday,
11 **November 6, 2023 at 12:00 P.M.**; and

12 4. Mr. Rosas and Ms. Saavedra shall appear before the court for an
13 evidentiary hearing on the petition on **Wednesday November 8, 2023, at 1:30 P.M.** at
14 the United States Courthouse, 700 Stewart Street, Seattle, Washington, in Courtroom

15 13B. The court DENIES Mr. Rosas's request for an order requiring A.V. to appear at the
16 hearing.

17 Dated this 24th day of October, 2023.

18 
19 JAMES L. ROBART
United States District Judge